

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY  
10 PARK PLAZA  
BOSTON, MASSACHUSETTS 02116**

**FORM FOR BID - Bond Funded Projects**

**TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

The undersigned hereby declares to have carefully examined the annexed form of Contract, Specifications and Plans therein referred to and also the sites upon which the Project Work is to be performed.

The undersigned proposes to furnish all labor, materials, and equipment required for Massachusetts Bay Transportation Authority Contract No. \_\_\_\_\_, **[Contract Name and location]**, for the Massachusetts Bay Transportation Authority in accordance with the Plans and Specifications prepared by **[Designer Name and location]** for the unit price, lump sum and allowance prices specified in the Schedule of Bid Prices, subject to additions and deductions according to the terms of the Specifications.

Accompanying this Bid Form is a bid deposit in the amount of five (5) percent of the value of the bid which shall become the property of the Massachusetts Bay Transportation Authority if, in case this Bid shall be accepted by said Authority, the undersigned shall fail to comply with the applicable statutes or fail as required hereby to execute the Contract with, and furnish bonds and certificates to, said Authority, within the time provided.

The undersigned also hereby declares that he is the only person interested in this Bid; that it is made without any connection with any other persons making any Bid for the same Work; that no person acting for, or employed by, the Massachusetts Bay Transportation Authority is directly or indirectly interested in this Bid, or in any contract which may be made under it, or in expected profits to arise therefrom; and it is made without directly or indirectly influencing or attempting to influence any other person or corporation to bid or to refrain from bidding or to influence the bid of any other person or corporation and that this Bid is made in good faith, without collusion or connection with any person bidding for the same work; and that this Bid is made with distinct reference and relation to the Plans and Specifications prepared for this case and herein mentioned. The undersigned declares that in regard to the conditions affecting the work to be done and the labor and materials needed, this Bid is based solely on his own investigation and research and not in reliance upon any plans, surveys, measurements, dimensions, calculations, estimates or representations of any employee, officer, or agent of the Authority.

If the Bidder is a foreign corporation it agrees, in case this Bid is accepted, to comply with the applicable provisions of Massachusetts General Laws, Chapter 181, before the time for execution of the Contract, as hereinafter provided, occurs.

The undersigned proposes and agrees that, if within sixty (60) calendar days after the opening of bids, notice that the Bid has been accepted by the Authority shall be mailed

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to him at the business address given below, he shall execute the Contract and furnish a Performance Bond and also a Labor and Materials Payment Bond for the full amount of the Contract price, within ten (10) calendar days after the date of the Notice of Award.

The undersigned agrees to commence work within fifteen (15) calendar days from the date of the mailing of the executed Contract to the Contractor (Section 00700 of these Specifications) unless otherwise ordered in writing by the Engineer; and he shall complete the entire Work, fully and acceptably as stipulated in the General Conditions.

The undersigned covenants that he has not employed or retained any company or person (other than a full time bona fide employee working for the Contractor) to solicit or secure this Contract, and that he has not paid or agreed to pay any company or person (other than such an employee) any gift, fee, contribution, percentage, or brokerage fee contingent upon or resulting from the award of this Contract.

The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereinafter defined, participates in or cooperates with an international boycott, as defined in Section 999 (b) (3) and (4) of the Internal Revenue Code of 1954, as amended, or engages in conduct declared to be unlawful by Section 2 of Chapter 151E, Massachusetts General Laws. If there shall be a breach in the warranty representation and agreement contained in this paragraph, then without limiting such other rights as it may have, the MBTA shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51 percent of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51 percent of the ownership interests of the Contractor, or which directly or indirectly owns at least 51 percent of the ownership interest of the Contractor.

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This bid includes **Addendum (s)** numbered

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The **Total Estimated Contract Bid Price** based upon the schedule of proposed Unit, Lump Sum and Allowance Bid Price is:

Amount in Words \_\_\_\_\_ Dollars

\$ \_\_\_\_\_  
Amount in Figures

USE BLACK INK OR TYPEWRITER IN COMPLETION OF FORM FOR BID AND THE SCHEDULE OF BID PRICES

ENTER TOTAL FROM PAGE NO. XX

**ATTACH LETTER OF COMMITMENT FROM PROPOSED SURETY HERE. (THIS SENTENCE TO BE INCLUDED ONLY WHEN CONTRACT IS UNDER \$1,000,000).**

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## **SCHEDULE OF BID PRICES**

THE SUBDIVISION OF THE TOTAL ESTIMATED CONTRACT BID PRICES IS AS FOLLOWS:

***[DESIGNER MUST SUBMIT TO CONTRACT SERVICES A 100% ENGINEER'S ESTIMATE VIA THE MBTA BIDS SYSTEM . AFTER REVIEW/PROCESSING WILL BE GIVEN ENG104 COMPUTER "SCHEDULE OF BIDS" PRINT-OUT TO INCORPORATE INTO THE BIDDING DOCUMENTS.]***

**"NOTE WELL: THE MBTA STANDARD ITEM LIST AND THE MBTA BIDS SYSTEM ARE AVAILABLE AT OUR WEBSITE:**

**[http://www.mbta.com/business\\_center/bidding\\_solicitations/design\\_and\\_construction/?id=8612&title=MBTA%20Contract%20Guidlines](http://www.mbta.com/business_center/bidding_solicitations/design_and_construction/?id=8612&title=MBTA%20Contract%20Guidlines)**.

**DO NOT CHANGE/REVISE ANY OF THE BID PRICE ITEM NUMBERS OR DESCRIPTIONS. IF A NEW ITEM NUMBER IS REQUIRED AND TO REQUEST PASSWORD INFORMATION, PLEASE, CONTACT [CNprocurement@mbta.com](mailto:CNprocurement@mbta.com).**

**A BIDDER WILL NOT BE ELIGIBLE FOR AWARD OF A CONTRACT UNDER THIS INVITATION FOR BIDS UNLESS SUCH BIDDER HAS SUBMITTED AS A PART OF ITS BID THE FOLLOWING CERTIFICATION PERTAINING TO INELIGIBLE CONTRACTORS WHICH WILL BE DEEMED A PART OF THE RESULTING CONTRACT.**

A. The \_\_\_\_\_  
(Name of Individual or Concern submitting this bid)

hereby certifies that **it is not included** on the Commonwealth of Massachusetts - EOAF/DCPO - **List of Debarred or Suspended Contractors**, or the **Concerns on Debarment List** from the Massachusetts Attorney General's Fair Labor and Business Practices Division.

OR

B. The \_\_\_\_\_  
(Name of Individual or Concern submitting this bid)

hereby Certifies that **it is included** on the Commonwealth of Massachusetts - EOAF/DCPO - **List of Debarred or Suspended Contractors**, or the **Concerns on Debarment List** from the Massachusetts Attorney General's Fair Labor and Business Practices Division.

\_\_\_\_\_  
(Signature of authorized representative of Bidder)

It is a condition of this Contract, and shall be made a condition of each subcontract entered into pursuant to this Contract, that the Contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the Contract to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1518, published in the Federal Register on April 17, 1971) promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act, (83 Stat. 96).

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work.

The bidder hereby certifies he shall comply with the minority manpower ratio and specific action steps contained in the Appendices of the Supplementary Conditions in this Contract. The Contractor receiving the award of the Contract shall be required to obtain from each of its subcontractors and submit to the Contracting or administering agency prior to the performance of any work under said Contract a certification by said subcontractor, regardless of tier, that it will comply with the minority manpower ratio and specific affirmative action steps contained in these Appendices.

THE BIDDER ALSO CERTIFIES AND ASSURES THAT HE WILL MAKE SUFFICIENT REASONABLE EFFORTS TO MEET THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) STATED GOAL ESTABLISHED FOR THIS CONTRACT.

Full name and address of the individual or concern submitting this bid:

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Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NOTICE: Bid should be signed in ink by a person having proper legal authority, and the person's title should be given, such as "owner" in the case of an individual, "partner" in the case of a general partnership, "president", "treasurer" or other authorized officer in the case of a Corporation.

**BIDDERS MUST SET FORTH, ACCURATE AND COMPLETE INFORMATION AS REQUIRED BY THIS SOLICITATION. FAILURE TO DO SO MAY RENDER THE OFFER NONRESPONSIVE OR UNACCEPTABLE.**

**ATTACH BID DEPOSIT HERE**

NOTE: If the Bidder is a corporation, indicate state of incorporation; if a partnership, give full Names and addresses of all partners; if an individual, give residential address if different from business address; and if joint ventures, give names and addresses of all firms of the joint venture.

If a **Corporation**

Incorporated in what State: \_\_\_\_\_

President: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Secretary: \_\_\_\_\_

If a **Partnership** (Name all Partners):

Name of Partner: \_\_\_\_\_

Residence: \_\_\_\_\_

Name of Partner: \_\_\_\_\_

Residence: \_\_\_\_\_

If an **Individual**:

Name: \_\_\_\_\_

Residence: \_\_\_\_\_

If an **Individual Doing Business Under a Firm Name**:

Name of Firm: \_\_\_\_\_

Name of Individual: \_\_\_\_\_

Business Address: \_\_\_\_\_

Residence: \_\_\_\_\_

If a **Joint Venture:**

Name of Venture:\_\_\_\_\_

Business Address:\_\_\_\_\_

Name of Firm or Corporation:\_\_\_\_\_

Address:\_\_\_\_\_

Name of Firm or Corporation:\_\_\_\_\_

Address:\_\_\_\_\_

Name of Firm or Corporation:\_\_\_\_\_

Address:\_\_\_\_\_

Name of Firm or Corporation:\_\_\_\_\_

Address:\_\_\_\_\_

If any of the joint ventures is a corporation a copy of the vote of the corporation authorizing the joint venture should be attached hereto.

The proposed surety on the bond to be given is:

Name:\_\_\_\_\_

Home office Address:\_\_\_\_\_

Massachusetts Address (If Different):\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**AFFIDAVIT**

State of \_\_\_\_\_ )

ss. : (Date) \_\_\_\_\_, 20

County \_\_\_\_\_ )

The undersigned being duly sworn, deposes and says that he is the

\_\_\_\_\_  
(sole owner; partner; president, treasurer, or other duly authorized official of a corporation)  
of

\_\_\_\_\_  
(Name of bidders as appearing in submitted bid)

for work in \_\_\_\_\_ on \_\_\_\_\_ ;  
(City / Town) (opening date of bids)

and certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this paragraph the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

\_\_\_\_\_  
Signature and Title of Person making Affidavit

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Notary Public

**A BIDDER WILL NOT BE ELIGIBLE FOR AWARD OF ANY CONTRACT UNDER THIS INVITATION FOR BIDS UNLESS SUCH BIDDER HAS SUBMITTED AS PART OF ITS BID THE FOLLOWING CERTIFICATION WHICH WILL BE DEEMED A PART OF THE RESULTING CONTRACT.**

**RIGHT-TO-KNOW LAW**

**CERTIFICATION**

The Bidder hereby certifies that, if awarded this Contract, he will fully comply with the Massachusetts Right-to-Know Law, c. 470 of the Acts of 1983, (the Act.). In addition, he shall:

1. Obtain a Material Safety Data Sheet, (MSDS), for all substances or mixtures of substances which appear on the Massachusetts Substance List that he or any of his subcontractors brings to or uses on the worksite and will keep a copy of that MSDS on the worksite of this Contract.
2. Label each container of a substance or mixture of substances on the Massachusetts Substance List as required in §7 of the Act.
3. Provide the same training and non-technical instruction that he is required to provide under §15 of the Act to all MBTA employees who are exposed to the substance or to the mixture of substances. Training shall include instruction on the nature and effects of any substance or mixture of substances listed on the Massachusetts Substance List which the Bidder or any of his subcontractors brings to or uses on the worksite.
4. Provide to MBTA employees on the worksite the same protective equipment that the Bidder or any of his subcontractors provides to his employees.

\_\_\_\_\_  
Signature of Authorized Representative of Bidder

\_\_\_\_\_  
Name and Address of Bidder

## CERTIFICATION OF DUMPING FACILITIES

I, \_\_\_\_\_  
certify that I have adequate dumping facilities available at;  
\_\_\_\_\_  
\_\_\_\_\_

and that these facilities will be used in connection with work undertaken on this Contract and that such

use will be in a manner compliant with State and Local requirements.

\_\_\_\_\_  
Signature of Authorized Representative Bidder

\_\_\_\_\_  
Name and Address of Bidder:

\_\_\_\_\_  
Date

**CERTIFICATION OF EXAMINATION  
OF  
AVAILABLE SUBSURFACE DATA**

Bidder certifies that it has either examined (yes) or not examined (no) the available Subsurface Conditions Data listed in Article X.XX of the Instruction to Bidders as follows:

**A. GEOTECHNICAL**

1. Title of Report, name of Project, Report Date(s).

Yes \_\_\_\_ No \_\_\_\_

**B. ENVIRONMENTAL**

1. Title of Report, name of Project, Report Date(s).

Yes \_\_\_\_ No \_\_\_\_

\_\_\_\_\_  
Signature of Authorized Representative of Bidder

\_\_\_\_\_  
Name of Firm or Corporation

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
Date

**CERTIFICATION OF CONSTRUCTION EQUIPMENT STANDARD  
COMPLIANCE**

I, \_\_\_\_\_  
Hereby certify that all diesel construction equipment used in this contract has emission control devices installed, such as oxidation catalysts or particulate filters on the exhaust system side of the diesel combustion engine equipment.

\_\_\_\_\_  
Signature of Authorized Representative/Bidder

\_\_\_\_\_  
Name and Address of Bidder

\_\_\_\_\_  
Date

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## **CERTIFICATION OF UNDOCUMENTED WORKERS**

Contractor Legal Name: \_\_\_\_\_

### **INSTRUCTIONS:**

Executive Order 481 applies to all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established. As it is the policy of the Executive Branch to prohibit the use of undocumented workers in the connection with the performance of state and federal contracts, all contracts entered after February 23, 2007 require that consultants, contractors and vendors, as a condition of receiving Commonwealth funds under any Executive Branch contract, make the following certification:

As evidence by the signature of the Authorized Signatory below, the Contractor certifies that under the pains and penalties of perjury that the Contractor shall not knowingly use undocumented workers in the connection with the performance of all Executive Branch contracts; that pursuant to federal requirements, the Contractor, shall verify the immigration status of all workers assigned to such contract without engaging in unlawful discrimination; and that the Contractor shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker(s). The Contractor understands and agrees that breach of any of these terms during the period of each contract may be regarded as a material breach, subjecting the Contractor to sanctions, including but not limited to monetary penalties, withholding of payments, contract suspension or termination.

\_\_\_\_\_  
Authorized Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

The Contractor is required to sign this Certification only and may provide a copy of the signed Certification for any contract executed with Executive Branch Department. A copy of this signed Certification must be attached to the "record copy" of all contracts with Contractors with the Contracting Department.

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Bid Form for Informational Purposes Only

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**M.G.L. Chapter 30, Section 39S- Certification of Work in Harmony and OSHA Training**

By signing this and submitting this bid or proposal, the prospective participant is providing the signed certification set out below.

The undersigned certifies, under penalties of perjury, as required by M.G.L. Chapter 30, Section 39S:

That the contractor is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (2) that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and (3) that all employees to be employed in the work subject to this bid have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration.

Additionally, the contractor shall comply with provisions set forth in Chapter 30 Section 39S and referenced in the General Conditions. Please note that this certification must be passed on to any and all contracts and subcontracts between the General Contractor and other parties.

\_\_\_\_\_  
Authorized Bidder Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Signee

\_\_\_\_\_  
Name and Address of Bidder

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**Contractor Certification  
MBTA Retiree Participation Disclosure**

In accordance with the MBTA Hiring of MBTA Retirees Policy, Section 3.3 dated June 5, 2009, THE CONTRACTOR IS REQUIRED TO NOTIFY THE MBTA THAT A MBTA RETIREE HAS BEEN INCLUDED AS A MEMBER OF ITS TEAM.

Every contractor is required to notify the MBTA as part of the bidding process that a MBTA retiree will be included as a member of its team. The contractor shall be required to provide the name and date of retirement for each MBTA retiree on the team. Every MBTA retiree working for the MBTA under this condition shall do so in accordance with MGL, Chapter 268A, Section 5.

The Contractor certifies that the following MBTA Retirees are assigned to the team for this contract. Use additional pages as necessary.

**Project Name:** \_\_\_\_\_

<u>Firm Name</u>	<u>Retiree Name</u>	<u>MBTA Retirement Date</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of Authorized Bidder \_\_\_\_\_

Title of Authorized Bidder \_\_\_\_\_

Firm \_\_\_\_\_

Date \_\_\_\_\_

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**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY****BIDDERS CHECKLIST FOR INFORMATION ONLY***(Designer Must fill-in Reference Pages and MMU Approved Goals)*

MBTA Contract No. and Title:

This checklist is provided to assist Bidders in determining that required signatures and submittals are included along with the Bid Proposal.

	ITEM	REFERENCE PAGE Section 00410	ACTION REQUIRED
1	Addenda acknowledged	3	Acknowledge all addenda issued
2	Letter of Commitment furnished from proposed surety	3	Attach letter
3	Certification pertaining to ineligible contractors completed	5	Bidder's authorized signature
4	Right-To-Know law Certification	10	Bidder's authorized signature
5	Certification of Dumping Facilities completed	11	Data and Bidder's authorized signature
6	Certification of Examination of Available Subsurface Data completed	12	Completed and Bidder's authorized signature
7	Bid signature(s) including EEO certification and DBE assurance	6	Bidder's authorized signature
8	Bidder's data including joint venture authorization	7 and 8	Furnish data
9	Required proposal guarantee (bid deposit furnished)	6	Attach amount as indicated
10	Affidavit of non-collusion Completed	9	Bidder's authorized signature (notarized)
11	Certification of Construction Equipment Standard Compliance	13	Bidder's authorized signature
12	Certification of Undocumented Workers	14	Bidder's authorized signature
13	M.G.L. Chapter 30, Section 39S - Certification of Work in Harmony and OSHA Training	15	Bidder's authorized signature
14	MBTA Retiree Participation Disclosure	26	Bidder's authorized signature

NOTE:

Minority Manpower Utilization  
(MMU) percent is 15.3%

NA = Not Applicable

Female Construction Workforce: 6.9% per trade

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